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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10  
11 LINDORA, LLC, a Delaware limited  
liability company,  
12  
13 Plaintiff,

14 v.

15 ISAGENIX INTERNATIONAL  
PRODUCTS EXPORT, INC., a  
Delaware corporation,  
16  
17 Defendant.

Case No. 15-cv-2754-BAS-RBB

**ORDER TERMINATING AS  
MOOT DEFENDANT'S MOTION  
TO DISMISS [ECF NO. 8]**

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19 On January 14, 2016, Defendant filed a motion to dismiss the Complaint for  
20 lack of personal jurisdiction, or in the alternative, for improper venue.<sup>1</sup> (ECF No. 8.)  
21 On January 26, 2016, Plaintiff filed a First Amended Complaint ("FAC"). (ECF No.  
22 10.)


23 The FAC was timely filed in accordance with Fed. R. Civ. P. 15(a)(1)(B). ("A  
24 party may amend its pleading once as a matter of course within . . . 21 days after  
25 service of a motion under Rule 12(b)[.]" ) Thus, the FAC supersedes the original, and  
26 the original Complaint, to which Defendant directed its motion to dismiss, is treated  
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28 <sup>1</sup> In the further alternative, Defendant moves to transfer the action to the District of Arizona.

1 as “non-existent.” *See Loux v. Rhay*, 375 F.2d 55, 57 (9th Cir. 1967), overruled on  
2 other grounds by *Lacey v. Maricopa Cnty*, 693 F.3d 896 (9th Cir. 2012). Accordingly,  
3 the Court **TERMINATES AS MOOT** Defendant’s motion to dismiss.

4 **IT IS SO ORDERED.**

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6 **DATED: January 29, 2016**

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8 **Hon. Cynthia Bashant**  
9 **United States District Judge**